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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,745	02/04/2004	Vivek Kadambi	KADA-1	3646
7590 03/21/2007 David A. Lundy KRIEG DEVAULT LUNDY LLP 825 Anthony Wayne Bldg. 203 E. Berry St. Fort Wayne, IN 46802			EXAMINER HARRINGTON, ALICIA M	
			ART UNIT	PAPER NUMBER
			2873	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 9-14 and 19-23 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well-established utility.

The claims are directed to neither a process nor a machine. They represent a mixture of an apparatus and method.

3. Claims 9-14,19-23 also rejected under 35 U.S.C. 112, first paragraph.

Specifically, since the claimed invention is not supported by either a specific and substantial well asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 9-14,19-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9-14 and 19-23 are directed to neither a process nor a machine. They represent a mixture of an apparatus and method. Thus, the claims are improper and indefinite.

Allowable Subject Matter

6. Claims 1-8,15-18,24-50 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 1, prior art fails to teach a method for evaluating accommodation amplitude in an eye of a person comprising the steps of subjecting said person to a near vision acuity test, said test comprising optotypes, determining a nearest point at which a person experience blurring, introducing a positive or minus lens and calculating the accommodation amplitude as claimed; Regarding claim 33, prior art fails to teach a method for evaluating accommodation amplitude in an eye of a person comprising the steps of subjecting said person to a near vision acuity test, said test comprising optotypes, fixing said target, introducing lenses, noting the dioptric power, and calculating said accommodation amplitude as claimed.

Regarding claim 24, prior art fails to teach an apparatus for evaluating accommodation amplitude comprising a holder, a track, a control piece, a lens positioner, where said apparatus being mounted at one end adjacent an eye of a person, said track being aligned with the line of sight for the said eye as claimed.

Conclusion

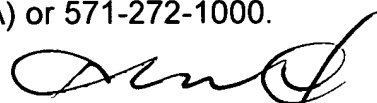
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

WH Glazer (US 2,523,007) discloses an ocular diagnostic instrument.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Harrington whose telephone number is 571 272 2330. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571 272 2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Alicia M Harrington
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Art Unit 2873